

12.275 REMOVAL OF ABANDONED JUNK MOTOR VEHICLES (PUBLIC OR PRIVATE PROPERTY) AND OVERTIME PARKED VEHICLES

Reference:

Ohio Revised Code 4513.63 - Photographing and
Recording Information
as to Abandoned Junk
Vehicles; Disposal of
Vehicle

Ohio Revised Code 4513.64 - Willfully Abandoning
Junk Motor Vehicle
Prohibited

Cincinnati Municipal Code 508.12 - Parking
Unreasonable
Time

Cincinnati Municipal Code 511.31 - Storage of
Unlicensed or
Inoperable
Vehicles in
Residence
Districts

Cincinnati Municipal Code 512.26 - Penalty for
Violation of
Section 511.31;
Impoundment

Procedure 12.265 - Wrecker And Towing

Procedure 12.270 - Impounding, Moving and Release of
Vehicles

Standards Manual - 61.4.3

Definitions:

An abandoned junk motor vehicle is a motor vehicle meeting all the following requirements:

1. Vehicles remaining on private property for more than 48 hours without the permission of the property owner. Vehicles remaining on a public street over 48 hours.
2. Vehicles that are three years old or older.
3. Vehicles extensively damaged or missing functional parts.
4. Vehicles that are apparently inoperable.
5. Vehicles having a fair market value of one thousand five hundred dollars or less.

An overtime parked vehicle is any vehicle parked upon a highway longer than 14 hours and not moved. Overtime parked vehicles that are also junk vehicles will be processed as junk vehicles.

Vehicles parked on expressways can be towed immediately. See Section C. for guidelines. An inoperable vehicle, as defined by C.M.C. 511-31, is any vehicle missing wheels, tires, windshield, motor, or transmission or which has been so damaged as to appear not safely operable. Any vehicle that remains parked in one location for more than 30 days is presumed to be inoperable.

Purpose:

To assure proper classification of abandoned junk and overtime parked vehicles under provisions of state and local laws.

To provide a procedure for removal/disposal of such vehicles.

Policy:

Officers will promptly and thoroughly investigate abandoned junk/overtime and inoperable vehicles. We will work together with the community to maintain safe traffic patterns by removing unsafe and unsightly vehicles from the streets.

Procedure:

A. Officers receiving complaints concerning junk or overtime parked vehicles will:

1. Query the vehicle by license and vehicle identification number.
2. Make a reasonable attempt to notify the owner to move the vehicle.
3. Mark the tires.
4. Enter the following information into the Vehicle Complaints Book:
 - a. Date of entry, and the name and badge number of the officer making the entry.
 - b. Location of vehicle.
 - c. Make, model and color of the vehicle.
 - d. License and VIN of the vehicle.
 - e. Badge number of the officer that checked NCIC and RCIC.
 - f. Badge number of the officer that marked the tires, the date, and time.

5. Complete two Forms 368, Abandoned Vehicle sticker, to mark abandoned vehicles, abandoned junk vehicles, overtime parked vehicles, and vehicles parked on expressways.
 - a. Place one completed sticker on the driver side door window. Place the other sticker on the rear window. When windows are missing place the stickers as close to these positions as possible.
 - b. Officers may choose to covertly mark the position of a vehicle rather than applying the Form 368 if they believe a violator is attempting to avoid towing.
 6. Follow Procedure 12.265, Wrecker and Towing, if vehicles do not move within the allotted time.
- B. The District Overtime Parking Enforcement Officer has the responsibility for inspecting the Vehicle Complaints Book and completing the investigation and required reports.
1. Tow overtime parked vehicles that meet all requirements to the Impound Unit.
 - a. Tow overtime parked vehicles between 0630 and 2130 hours only.
 - b. On the Form 369, Towing Report, check the Overtime Parker block and indicate the date and time the tires of the vehicle were marked.
 - c. In the notes section of the Form 369 state the vehicle was marked with two Forms 368.
 - d. Make the appropriate disposition entry in the Vehicle Complaints Book.
 2. Tow abandoned junk vehicles that meet all requirements to the Impound Lot within seven days of the initial investigation.
 - a. Use the designated junk vehicle wrecker when towing these vehicles.
 - b. On the Form 369, check the Abandoned Junk Vehicle block.

- c. In the notes section of the Form 369 note the vehicle was marked with two Forms 368.
 - d. Make the appropriate disposition entry and badge number of the investigating officer in the Vehicle Complaints Book.
- C. Vehicles parked on expressways:
- 1. Immediately tow vehicles creating a traffic hazard.
 - 2. Allow up to three hours for owners/operators to move vehicles temporarily broken down on the side of expressways.
 - 3. Vehicles legitimately disabled and claimed within 24 hours of impoundment are not subject to impoundment fees. Impound Unit personnel will make this determination.
- D. Towing of Unlicensed/Inoperable Vehicles from Private Property (CMC 511-31):
- 1. Enforce violations of CMC 511-31 and 512-26 on a complaint only basis. Officers must obtain a search warrant before entering onto private property for enforcement action without the consent of the property owner.
 - 2. The Impound Unit maintains a log of CMC 511-31 violations including the status.
 - 3. Procedure - Initial Investigation:
 - a. Enter complaints of unlicensed or inoperable vehicles on private property in the District Overtime Parking Book.
 - b. District officers investigate all reported violations of CMC 511-31.
 - c. Visually inspect the premises before entering onto the property.
 - 1) Vehicles not visible from the sidewalk, street, a public place, or a neighboring property need no further action. Close the complaint unfounded.

- 2) Vehicles visible from the sidewalk, street, a public place or a neighboring property require further investigation.
- d. An officer, locating a vehicle that is subject to towing, will attempt to locate the property owner or vehicle owner.
- 1) Officers can enter on private property and question persons found there when attempting to locate a vehicle owner.
 - 2) Officers may question persons found on the property and attempt to determine the ownership of the vehicle or property.
 - 3) Officers locating owners of the property or vehicle will explain the nature of the complaint and request permission to inspect the vehicle. Officers will leave the location immediately when consent for a search is denied. Follow Section D.3. of this procedure.
 - 4) Officers obtaining consent will verify current registration and inoperable status. In determining inoperable status use the definition section of this procedure as a guide.
- e. Advise owners of vehicles determined to be unlicensed and/or inoperable they are in violation of CMC Section 511-31. The owners have 72 hours to move the vehicle or be cited.
- 1) Officers will first issue a warning citation to the owner of the vehicles or property.
 - 2) Vehicles removed within 72 hours require no further action.
 - 3) When vehicles are not removed contact the Impound Unit to find out if the violator has a prior conviction for CMC 511-31.

- a) Issue a Notice to Appear (NTA) with a minor misdemeanor payout fine schedule for first
 - b) When violators have a prior conviction, the second offense is a misdemeanor of the 4th degree. Complete a criminal complaint and issue a NTA with a mandatory court date.
- f. Officers will notify the Impound Unit with results of investigations for violations of CMC 511-31.
 - 1) Send a copy of the citations to the Impound Unit.
- 3. Procedure when violator denies consent to investigate:
 - a. Notify the Impound Unit.
 - b. The Impound Unit will investigate all cases where the initial investigation by district officers is incomplete because consent to enter the property was denied.
 - 1) Impound Unit personnel will obtain a search warrant when necessary for completion of an investigation.
 - c. The Impound Unit will inspect the vehicle to determine if a violation of CMC 511-31 exists and issue citations where necessary. An Impound Unit and district officer will appear in court on contested cases.
 - d. After a conviction in court is obtained Impound Unit personnel will request a court order authorizing towing, impounding, and the immediate disposal of the vehicle.
 - e. Vehicles will only be towed and impounded with a court order.